

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CIV. 4607

Rajeev P. Raja

(In the space above enter the full name(s) of the plaintiff(s).)

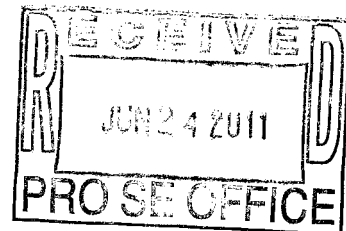
-against-

American University of Antigua,
c/o Greater Caribbean Learning
Resources.

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

Jury Trial: ☐ Yes ☒ No
(check one)



This action is brought for discrimination in employment pursuant to: (check only those that apply)

_____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

_____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

X

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

X

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Rajeev Pahuja
 Street Address 55 Duell Drive
 County, City Hamden
 State & Zip Code CT, 06518
 Telephone Number (203)-589-3537

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name American University of Antigua c/o Greater Caribbean Learning Resources
 Street Address 2 Wall Street, 10th Floor
 County, City New York, NY
 State & Zip Code NY, 10005
 Telephone Number -

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

____ Failure to hire me.
☒ Termination of my employment.
 ____ Failure to promote me.
☒ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.

☒

Retaliation.

Other acts (specify): _____.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 06/05/09.
Date(s)

C. I believe that defendant(s) (check one):

I don't know is still committing these acts against me.

don't know is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☐ race _____ ☐ color _____

☐ gender/sex _____ ☐ religion _____

☐ national origin _____

☐ age. My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination.)

☒ disability or perceived disability suffer from ADD (specify)
(Attention Deficit Disorder)

E. The facts of my case are as follow (attach additional sheets as necessary):

See the attached documents and letter from my rehabilitation counselor. The defendant's attorney has stated they do not maintain records such as application forms submitted by applicants or records related to requests for reasonable accommodation based on disability. The Americans with Disabilities Act requires that employers post a notice describing the provisions of the ADA. AUA/CCLR does not have a clearly defined procedure in the employee handbook for employees

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of for your charge filed with the Equal Employment Opportunity Commission, the New York State to request Division of Human Rights or the New York City Commission on Human Rights. accommodation for their disabilities

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: 7/22/09 (Date).

B. The Equal Employment Opportunity Commission (check one):

 has not issued a Notice of Right to Sue letter.
X issued a Notice of Right to Sue letter, which I received on 4/5/11 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

 60 days or more have elapsed.
 less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: backpay, emotional distress, and

front pay.

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 29th day of June, 2011.

Signature of Plaintiff

Address

Telephone Number

Fax Number (if you have one)

R. J.
55 Ducl Drive
Hendon, CT 06518
(203)-589-3537

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Rajeev Pahuja**
55 Duel Drive
Hamden, CT 06518

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2009-05137

Holly M. Woodyard,
Investigator

(212) 336-3643**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Elizabeth Grossman,
Acting District Director

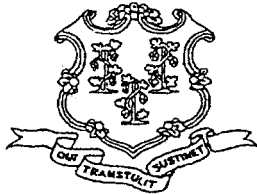
March 31, 2011

(Date Mailed)

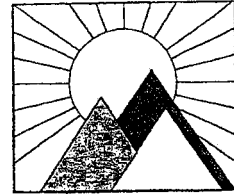
Enclosures(s)

cc: **AMERICAN UNIVERSITY OF ANTIGUA, C/O**
GREATER CARIBBEAN LEARNING RESOURCES
Attn: Director of Human Resources
2 Wall Street, 10th Floor
New York, NY 10005

Leonard Scalafani, Esq.
2 Wall Street, 5th Floor
New York, NY 10005



STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
BUREAU OF REHABILITATION SERVICES
249 THOMASTON AVENUE • WATERBURY, CT 06702



September 8, 2009

Jeanne L. Ortiz
New York Division of Human Rights
One Fordham Plaza – 4th Floor
Bronx, NY 10458

Dear Ms. Ortiz,

At the request of Mr. Rajeev Pahuja, I am submitting this correspondence to you. I am a Vocational Rehabilitation Counselor with the State of Ct, Bureau of Rehabilitation Services. The Bureau of Rehabilitation Services assists eligible persons with disabilities in preparing for, obtaining & retaining employment. The Bureau of Rehabilitation Services has been working with Raj Pahuja since 2002.

On June 5, 2009 there was a conference call involving myself, Raj Pahuja, Dick Woodward of American University of Antigua and Marie McGillicuddy of American University of Antigua (this conference call was arranged in follow-up to a phone call that I had received from Raj Pahuja earlier that day indicating that he was being terminated from his job. In this call, Raj asked me to contact Marie McGillicuddy in an effort try and help him retain his position).

In this conference call, I explained the Bureau of Rehabilitation Services. I described services available such as On-the-Job Training, Job Coaching to help an individual retain his/her job.

I asked if there were specific reasons for Raj being let go. Mr. Woodward indicated that there weren't any specific reasons for the termination. Mr. Woodward added that they liked Raj personally but that they (AUA) thought that it wasn't working out. Mr. Woodward stated that they thought Raj had more managerial experience which is what they needed.

Feel free to contact me with any questions or if I can provide further information. Thank you for assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "David Carpino".

David Carpino
Senior Vocational
Rehabilitation Counselor

Phone: (203) 578-4550 (V/TTY) FAX: (203) 578-4590
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Valli Kane & Vagnini
Attorneys at Law

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Suite 519
Garden City, NY 11530

Tel: 516-203-7180
Fax: 516-706-0248
www.vkvlawyers.com

July 2, 2009

Via U.S. Mail & Facsimile

Leonard Sclafani, Esq.
General Counsel
American University of Antigua
2 Wall Street, 10th Floor
New York, N.Y. 10005

Re: Rajeev Pahuja

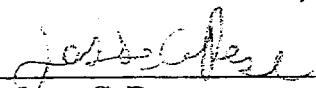
Dear Mr. Sclafani:

We have been retained by Mr. Pahuja, a former employee, regarding his recent termination and claims of discrimination against your company. Mr. Pahuja was an outstanding employee with your company during the short period that he was employed. Recently, he was told that he could not perform the job duties assigned and was having problems with his training. He informed the University that he suffers from a learning disability and would need a small amount of additional time to complete his training. This request was denied despite the request being entirely reasonable. As a result Mr. Pahuja was terminated. Under the Americans with Disabilities Act an employer must give a reasonable accommodation for an employee suffering from a disability, such as Mr. Pahuja's. Mr. Pahuja's termination is clearly impermissible and illegal under Federal, State and City laws.

Given the financial and emotional harm resulting from this overt act of discrimination, we have been retained to preserve all of Mr. Pahuja's legal rights.¹ However, Mr. Pahuja has authorized us to contact you to explore the prospect of reaching an amicable and confidential resolution to this matter. Should you be interested in exploring such a possibility, please contact the undersigned. We cannot, however, wait indefinitely for a response. To that end, if we do not hear from you or a representative within ten (10) days from the above date, we will have no choice but to commence formal proceedings.

Very truly yours,

VALLI KANE & VAGNINI, LLP


Jesse C. Rose

¹ This letter is a notice of intent to sue. Any and all records, recordings, or information, including electronic mail and records, in any way relating to Mr. Pahuja should be preserved at once.

Chart copy

Family Counseling of Cheshire

345 Highland Ave., Unit 102 ~ Cheshire, CT. 06410-2550
(203) 250-9654 ~ Fax (203) 271-3575

September 26, 2006

RE: Rajeev Pahuja
DOB: 9/27/1976

To Whom It May Concern:

Rajeev Pahuja is under my care and on medication. He is being treated for Adult Attention Deficit Disorder and associated learning disabilities.

He is an intelligent man; eager to return to work and his medication should be very helpful in improving his work skills.

Sincerely,



Robert H. Peters, M.D.
Attending Psychiatrist